

HONORABLE RONALD B. LEIGHTON

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

LONNIE CARTER,

Plaintiff,

v.

JOSEPH LEHMAN, et al,

Defendants.

Case No. C05-5681 RBL

ORDER

THIS MATTER comes on before the above-entitled Court upon an Order from the United States Court of Appeals for the Ninth Circuit.

Having considered the entirety of the records and file herein, the Court rules as follows:

The United States Court of Appeals for the Ninth Circuit has remanded this matter to this Court for the limited purpose of ruling on plaintiff's request for an extension of time to appeal pursuant to Fed. R. App. P. 4(a)(5). The Court of Appeals' Order indicates "the notice of appeal contains a timely request for extension of time to appeal pursuant to Fed. R. App. 4(a)(5)[.]"; however, the copy in the Court's CM/ECF system of the plaintiff's Motion of Appeal filed July 19, 2006 [Dkt. #25] is missing the last line(s) and does not contain a request to extend time to appeal. Nevertheless, based upon the representation in the Court of Appeals' Order that such a request exists, the Court finds that excusable neglect exists and hereby **GRANTS** plaintiff's request for an extension of time up to and including July 19, 2006 to file his Notice of Appeal.

IT IS SO ORDERED.

1 The Clerk shall send **uncertified** copies of this order to all counsel of record, to the United States
2 Court of Appeals for the Ninth Circuit, and to any party appearing pro se.

3 Dated this 4th day of October, 2006.

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6 RONALD B. LEIGHTON
7 UNITED STATES DISTRICT JUDGE
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